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Robert E. Krebs
THELEN REID & PRIEST LLP
P.O. Box 640640
SAN JOSE CA 95164-0640

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OFFICE OF PETITIONS

In re Patent No. 7,200,512	:	
Lalau et al.	:	DECISION ON REQUEST
Issue Date: April 3, 2007	:	FOR RECONSIDERATION
Application No. 09/788,092	:	OF
Filed: February 16, 2001	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 034300-121	:	

This is in response to the "REQUEST FOR REVISION OF PATENT TERM ADJUSTMENT INDICATED ON PATENT," filed June 7, 2007, requesting reconsideration of the initial determination of patent term adjustment under 35 U.S.C. § 154(b) of 1,243 days.

The application for patent term adjustment under § 1.705(d) is **DISMISSED AS UNTIMELY FILED.**

Patentee is given **TWO MONTHS** to respond to this decision. No extensions of time will be granted under § 1.136(a).

On April 3, 2007, the application matured into U.S. Patent No. 7,200,512 with a revised patent term adjustment of 0 days. On June 7, 2007, patentee submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 1,243 days.

As stated in MPEP § 2730, Rule § 1.705(d) provides that:

If there is a revision to the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. **If the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the**

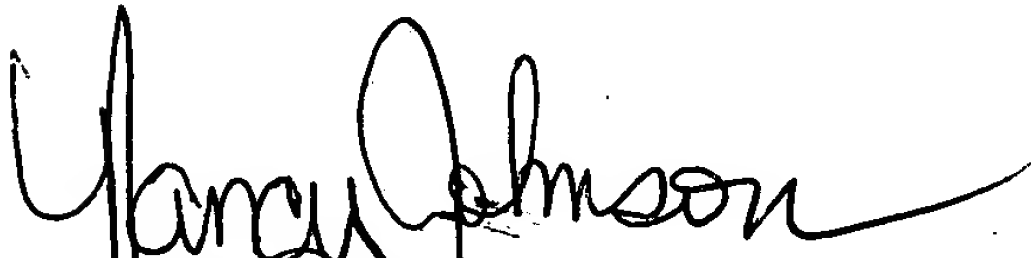
patent must be filed within two months of the date the patent issued (emphasis added) and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section.

The instant request for reconsideration of patent term adjustment under § 1.705(d) was filed more than 2 months after the issue date of the patent. The request was not made timely by virtue of a properly signed and dated certificate of mail. In view thereof, it is appropriate to dismiss the request for reconsideration as untimely filed.

Petitioner has asserted that "because applicants were not immediately aware of the issuance of the patent, the two-month deadline should be extended to one week to June 11, 2007," however it is noted that Petitioner does not appear to have requested the waiver of Rule § 1.705(d), and has not submitted the fee that is associated with the filing of a petition pursuant to Rule § 1.183¹.

Submission of the \$200.00 fee set forth in 37 CFR § 1.18(e) is acknowledged. No additional fees are required.

Telephone inquiries **specific to this matter** should be directed to Senior Attorney Paul Shanoski at (571) 272-3225².



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

1 If Petitioner chooses to file a petition pursuant to this rule, no assurance can be made that any remedy will be forthcoming.

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).